THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.23895 of 2005

Date: 03-01-2007.

Between :

Shaik Abdul Khader.

.....Petitioner

And

Government of Andhra Pradesh, rep. by its Secretary, Law (L.A. & J-SC F) Department, Secretariat, Hyderabad & others.

.....Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
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WRIT PETITION No.23895 of 2005

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

The grievance of the petitioner was that a Pension Payment Order was issued on 11.10.2004, by which, his pension stood reduced. It was contended that his pension was fixed on the basis of G.O.Ms.No.79, dated 17.07.2004, and in effect, application of this G.O. reduces his pension from the pension he was getting before the G.O. was issued. It is a settled principle that the pension of an employee cannot be reduced except by way of punishment.

In the counter affidavit it has been accepted by the Registrar (General) of this Court that if the pension is revised in case of petitioner in accordance with G.O.Ms.No.79, his pension will get reduced. He has also

referred to another method of calculating the pension as 'Karnataka Model', which would be beneficial to the retired officer. However, in para 18 of the counter it has been specifically stated that the petitioner can opt for the mode of fixing of pension, which according to him, would be beneficial to him.

In this view of the matter, we dispose of the writ petition, allowing the petitioner to make a representation to the Registrar (General) of this Court, duly exercising the option, so that his pension is fixed in accordance with rules, without reduction in his pension, which was being paid to him before the issuance of G.O.Ms.No.79, dated 17.07.2004. After the pension is fixed by the Registrar (General), the other respondents shall pay the pension to the petitioner accordingly.

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BILAL NAZKI, J

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NOOTY RAMAMOHANA RAO, J

3rd January 2007.

ajr